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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,637	03/11/2004	David Craig Smith	14374.91	6675
22913	7590	11/28/2005	EXAMINER	
WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER & SEELEY) 60 EAST SOUTH TEMPLE 1000 EAGLE GATE TOWER SALT LAKE CITY, UT 84111			SUCHECKI, KRYSTYNA	
		ART UNIT		PAPER NUMBER
				2882

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/798,637	SMITH ET AL.
	Examiner Krystyna Susecki	Art Unit 2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 September 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-15 and 22-32 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 9-15 and 22-29 is/are allowed.
- 6) Claim(s) 1,2,4-8 and 30-32 is/are rejected.
- 7) Claim(s) 3 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 30-32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant has not described a compressive covering material. The material of Applicant's invention requires an external source of compression and does not by itself act as a source of compression. Applicant's material is compressible.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Pleiss (US 3,821,846).

Regarding Claims 1 and 4, Pleiss teaches an encapsulated stator assembly for use in a stator-driven device, comprising: a stator having a core (Column 4, lines 57-66)

and a plurality of windings (10), the stator defining an inner periphery; and a covering portion that forms at least a partial covering over the stator, the covering portion including an outer surface that compressively engages (Column 8, lines 21-29) with a portion of the stator-driven device to secure the stator in the stator-driven device, the covering portion further covering a portion of the inner periphery of the stator or covering the entirety of the stator (Column 7, lines 20-68). Pleiss teaches the inner periphery as covered by a covering since the covering is only removed as an alternative. It *may* be wiped, but the alternative is to leave the covering over the core.

Regarding claim 2, Pleiss teaches an encapsulated stator assembly as defined in claim 1, wherein the encapsulated stator assembly is pre-formed before insertion into the stator-driven device (Column 8, lines 21-29). Applicant is reminded that the method of forming a device is not germane to the issue of patentability of the device.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pleiss in view of Takenaka (US 6,487,273).

Pleiss teaches an encapsulated stator wherein a covering material can be one of several alternatives with alternative solids contents and a selectable shear strength (Column 7, lines 3-19).

Pleiss fails to teach a thermally conductive covering made from a resilient material that can absorb x-rays or cause the windings to be unable to vibrate during operation of a stator driven device.

Takenaka teaches several alternative resilient and adhesive materials for damping vibrations in a stator driven device (Column 10, lines 16-23). The materials can also thermally conduct heat away from a stator driven device and can shield, via absorption, x-rays (Column 13, line 24- Column 14, line 26). The materials allow for high temperature operation of a device with low noise and radiative energy protection.

Therefor, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the alternative resilient and adhesive materials of Takenaka in the stator of Pleiss in order to yield a stator with high temperature operation, low noise and radiative energy protection.

Allowable Subject Matter

Claims 9-15 and 22-29 are allowed.

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: claims 3, 9 and 22 contain allowable subject matter for at least the reason that the prior art of record fails to teach or reasonably suggest an x-ray tube comprising an outer housing, source, rotor and encapsulated stator assembly comprising a stator that is positioned about the rotor assembly, the stator being substantially enveloped, or

*D
1/2/15*

enveloped, by a covering portion that is configured to secure the stator within the outer housing or compressively engage an inner surface of the outer housing. While Takenaka teaches a substantially enveloped stator, the covering over the stator does not secure the stator within the outer housing. A combination such as Pleiss with Blake (US 5,159,618) would not cure such deficiencies, since it is not disclosed in Blake that the stator is secured by way of its periphery to the outer housing. A covering such as Pleiss' would not then be able to secure the stator to the housing or compressively engaged with the outer housing.

Claim 15 remains allowable at least for the reasons set forth in the Office action dated 06/23/05.

Claims 10-14 and 23-29 contain allowable subject matter at least by virtue of their dependency.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krystyna Susechecki whose telephone number is (571) 272-2495. The examiner can normally be reached on M-F, 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Craig E. Church
Primary Examiner